

REMARKS

This Amendment is filed in response to the final Office Action of September 9, 2004. The response is due on December 9, 2004. The Applicants thank the Examiner for carefully reviewing the response to the non-final Office Action and the consideration given to Applicants' arguments.

Claims 1-5, 7, 8, and 17-28 are pending after entry of the present Amendment. Independent claims 1, 5, and 28 are amended in response to the Examiner's comments. The amended independent claims are fully supported by the specification. No new matter is presented by these amended independent claims. Independent claims 1 and 28 are amended to more clearly and accurately claim the subject matter that Applicants regard as their invention. Additionally, the Applicants have carefully reviewed the prior art of record and believe that the currently amended independent claims are patentable in view of the prior art.

Rejections under 35 U.S.C. § 103(a):

Claims 1-5, 7, 8, and 17-27 are rejected under 35 U.S.C. § 103(a) as being unpatentable over NARENDRAN et al., U.S. Patent No. 6,070,191 (hereafter "Narendran") in view of SWE: Toward a scalable WWW server on multi-computers, Andresen et al., Department of Computer Science, University of California, 1996, pages 1-7 (hereafter "Andresen"). Claim 28 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Andersen in view of DEAN et al., U.S. Patent No. 6,023,762 (hereafter "Dean").

Amended independent claim 1 recites, among other features, redirecting a client unit from a first server to a second server having a most recently accessed session, wherein redirecting is executed when the first server fails to respond to the client unit with a message, and wherein redirecting of the client unit to the second server maintains access to the

accessed session while continuing the plurality of services to the client unit so as to eliminate a single point failure.

In other words, the present invention, recited in amended claim 1, implements server redundancy and client redirection to maintain computing resource availability when a server non-response or failure occurs. See, page 6, line 3-5 and line 12-14, page 11, line 22-25 to page 12, line 1, page 12, line 16-19, page 13, line 11-13 and line 16-19, and Figure 9A. Thus, the computer architecture implemented by the present invention provides server redundancy (e.g., S_1 , S_2 , S_3 , S_4 , and S_x) and highly available computational service (e.g., sessions), thereby substantially eliminating the problem of a single-point-failure. See, page 5, line 7-10, and page 6, line 3-5.

In contrast, Narendran discloses a server system for processing client requests received over a communication network including a cluster of N document servers and at least one redirection server. The redirection server receives a client request from the network and redirects it to one of the document servers based on a set of pre-computed redirection probabilities. Each of the document servers manages a set of documents locally and can service client requests only for the locally available documents. A set of documents are distributed across the document servers in accordance with a load distribution algorithm, which may utilize the access rate of the documents as a metric for distributing the documents across the servers and determining the redirection probabilities. In the event of a server failure, the redirection probabilities may be recomputed such that the load of the client requests is approximately balanced among the remaining document server. The redirection probabilities may also be recomputed periodically in order to take into account changes in document access rates and changes in server capacity. Abstract, col. 12, line 12-65.

In other words, in Narendran, redirecting is based on access to documents, e.g., document access rate; whereas, in amended claim 1 redirecting is based on server functionality, e.g., server failure. It should be noted that accessing sessions is different from

accessing documents, and redirecting based on server failure is different from redirecting based on document access rates. In addition, the method of redirecting as claimed in amended claim 1 eliminates a single point failure, however, Narendran is completely silent in this regard. Moreover, the redirection server in Narendran is a single point failure.

Therefore, if one was to apply the teaching of Narendran to the present invention, one would not achieve the same result as the present invention recited in amended claim 1.

Andresen discloses a distributed memory server system in which all the servers do not locally store all the documents, but can instead, through a LAN, fetch documents that are requested and not locally available. The redirection decision is made based on a dynamic scheduling policy that considers parameters such as CPU load, network latency and disk load.

The redirection decision disclosed in Andresen is not based on server functionality, e.g., server failure, nor maintaining access to the accessed session while continuing the plurality of services to the client unit so as to eliminate a single point failure. Accordingly, Andresen has not cured the deficiencies found in Narendran.

To establish a *prima facie* case of obviousness, there must be some suggestion or motivation, either in the reference or in the knowledge generally available, to one having ordinary skill in the art, to combine the references. Additionally, the references when combined must teach or suggest all the claim features. As discussed above, neither Narendran nor Andresen discloses or suggests redirecting a client unit from a first server to a second server when the first server fails to respond to the client unit with a message, and redirecting the client unit to the second server maintaining access to the accessed session while continuing plurality of services to the client unit so as to eliminate a single point failure.

Therefore, even if it is deemed that there would have been a proper motivation to combine the references, a proposition that Applicants would disagree, the resulting combination would not include all the claimed features of amended independent claim 1.

Accordingly, amended independent claim 1 is not rendered obvious by Narenran in view of Andresen. Similarly, dependent claims 2-5, 7-8, and 17-27, each reciting additional limitations, have not been not rendered obvious by Narendran in view of Andresen.

As for independent claim 28, Dean discloses a system for remote access and retrieval of data over a communication network, wherein an agent device allows or denies access to portions of stored data depending on a type of caller and a level of the received authorization signal.

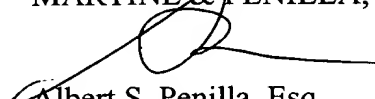
Similar to the discussion above regarding amended independent claim 1, Andresen also fails to disclose each and every feature of amended independent claim 28, and the disclosure in Dean fails to cure this deficiency. Accordingly, even if it is deemed that there would have been a proper motivation to combine Andresen with Dean, a proposition that Applicants would disagree, the resulting combination would not include all the claimed features of amended independent claim 28. Therefore, amended independent claim 28 has not been rendered obvious by Andresen in view of Dean.

Accordingly, after entry of the present Amendment, the application is now in a condition for allowance. A Notice of Allowance is therefore respectfully requested.

If the Examiner has any questions concerning the present Amendment, the Examiner is kindly requested to contact the undersigned at (408) 749-6903. If any other fees are due in

connection with filing this Amendment, the Commissioner is also authorized to charge
Deposit Account No. 50-0805. (Order No. SUNMP576). A duplicate copy of the transmittal
is enclosed for this purpose.

Respectfully submitted,
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